

STATE OF MICHIGAN  
IN THE SUPREME COURT

MELISSA MAYS, MICHAEL ADAM MAYS,  
JACQUELINE PEMBERTON, KEITH JOHN  
PEMBERTON, ELNORA CARTHAN, RHONDA  
KELSO, and ALL OTHERS SIMILARLY  
SITUATED

Plaintiffs-Appellees,

v

GOVERNOR OF MICHIGAN, STATE OF  
MICHIGAN, DEPARTMENT OF  
ENVIRONMENTAL QUALITY, and  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES,

Defendants-Appellants,

and

DARNELL EARLEY and JERRY AMBROSE

Defendants-Appellants

Supreme Court Nos.: 157335,  
157340-42

Court of Appeals Nos.: 335555,  
Consolidated with Docket Nos.  
335725 and 335726

Court of Claims No.: 16-000017-MM

**SUPPLEMENTAL AUTHORITY**

Plaintiffs-Appellees Melissa Mays, et al. submit the attached opinion from the case of *Guertin, et al v State of Michigan, et al*, No. 17-1698 (6th Cir. 2019), as supplemental authority. This opinion is relevant to the question of whether Plaintiffs have pleaded a cognizable claim for violation of bodily integrity. The United States Court of Appeals for the Sixth Circuit stated as follows:

We join the United States District Court for the Eastern District of Michigan, *In re Flint Water Cases*, 329 F. Supp. 3d 369 (E.D. Mich. 2018), *vacated on other grounds* (Nov. 9, 2018), and *Guertin v. Michigan*, 2017 WL 2418007 (E.D. Mich. June 4, 2017), the Michigan Court of Appeals, *Mays v. Snyder*, 916 N.W.2d 227 (Mich. Ct. App. 2018), and the Michigan Court of Claims, *Mays v. Snyder*, No. 16-000017-MM (Mich. Ct. Cl. Oct. 26, 2016), in holding that plaintiffs have pled a plausible Due Process violation of bodily integrity regarding some of the defendants.

January 7, 2019

Respectfully Submitted,

By: /s/ Paul F. Novak  
Paul F. Novak (P39524)  
Gregory Stamatopoulos (P74199)  
Weitz & Luxenberg, PC  
3011 West Grand Boulevard, Suite 2150  
Detroit, MI 48202  
(313) 800-4170  
pnovak@weitzlux.com  
gstamatopoulos@weitzlux.com

Beth M. Rivers (P33614)  
Michael L. Pitt (P24429)  
Cary S. McGehee (P42318)  
Pitt McGehee Palmer & Rivers, PC  
117 W. Fourth St., Suite 200  
Royal Oak, MI 48067  
(248) 398-9800  
brivers@pittlawpc.com  
mpitt@pittlawpc.com  
cmcgehee@pittlawpc.com

William H. Goodman (P14173)  
Julie H. Hurwitz (P34720)  
Kathryn Bruner James (P71374)  
Goodman & Hurwitz, PC  
1394 E. Jefferson Ave.  
Detroit, MI 48207  
(313) 567-6170  
jhurwitz@goodmanhurwitz.com  
bgoodman@goodmanhurwitz.com  
kjames@goodmanhurwitz.com

Attorneys for Plaintiffs-Appellees